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UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

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29 In Re:  
30 USA COMMERCIAL MORTGAGE  
31 COMPANY, et al.  
32  
33 Debtors.  
34 /

35 Case Nos.:  
36 BK-S-06-10725-LBR  
37 BK-S-06-10726-LBR  
38 BK-S-06-10727-LBR  
39 BK-S-06-10728-LBR  
40 BK-S-06-10729-LBR

41 JOINTLY ADMINISTERED  
42 Chapter 11

43 Affects:  
44  All Debtors  
45  USA Commercial Mortgage Company  
46  USA Capital Realty Advisors, LLC  
47  USA Capital Diversified Trust Deed Fund, LLC  
48  USA Capital First Trust Deed Fund, LLC  
49  USA Securities, LLC  
50 /

51 Hearing Date: N/A  
52 Hearing Time: N/A

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**DECLARATION OF ALAN R.  
SMITH, ESQ. IN SUPPORT  
OF EX PARTE MOTION FOR  
ORDER SHORTENING TIME TO  
HEAR APPELLANTS' MOTION FOR  
LIMITED STAY PENDING APPEAL**

1 I, ALAN R. SMITH, being first duly sworn, do depose and say under the penalty of  
2 perjury:

3 1. I am a duly-licensed attorney and represent the Lenders Protection Group in the  
4 above captioned bankruptcy case.

5 2. I have knowledge of and am competent to testify to the matters stated herein,  
6 except to those matters stated upon information and belief, and as to those matters, I believe  
7 them to be true.

8 3. I was involved in the preparation of *Appellants Ex Parte Motion For Order*  
9 *Shortening Time For Motion For Limited Stay Pending Appeal* and believe the facts and  
10 grounds asserted therein supporting the entry of an order shortening of time to be accurate,  
11 true and correct.

12 I hereby swear under penalty of perjury that the assertions of this Declaration are true.

13 DATED: February 20, 2007.

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15 By: /s/ Alan R. Smith, Esq.  
16 ALAN R. SMITH, ESQ.  
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